

FILED

MAY 02 2016

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

[Stipulating parties listed on signature page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

Master File No. 3:07-CV-05944-JST  
MDL No. 1917

This Document Relates To:

*Sears, Roebuck and Co. and Kmart Corp. v.  
Chunghwa Picture Tubes, Ltd.*, No. 11-cv-  
05514

**STIPULATION AND [PROPOSED]  
ORDER REGARDING SEARS &  
KMART'S SCOPE OF ARGUMENT AT  
TRIAL**

1           WHEREAS Plaintiffs Sears, Roebuck and Co. and Kmart Corporation (“Plaintiffs”) are the  
2 only remaining plaintiffs in Case No. 11-cv-05514;

3           WHEREAS LG Electronics, Inc. (“LGE”) is the only remaining defendant in Case No. 11-  
4 cv-05514;

5  
6           PURSUANT TO LOCAL RULE 7-12, PLAINTIFFS AND LGE, BY AND THROUGH  
7 THEIR RESPECTIVE COUNSEL OF RECORD, HEREBY STIPULATE AS FOLLOWS:

8           1. Plaintiffs will not argue at trial or otherwise suggest that they are the only entities  
9 seeking to hold LGE liable for its involvement in the alleged conspiracy, such that Plaintiffs are  
10 “the only champions” attempting to hold LGE accountable.

11           2. Nothing in this stipulation prevents Plaintiffs from arguing in support of their motion *in*  
12 *limine* that evidence of other lawsuits and settlements should be excluded or from seeking a jury  
13 instruction from the Court explaining the importance of private enforcement of the antitrust laws.  
14 *See* ECF No. 3558 at 24-29 (MIL # 6). Nor does anything in this stipulation prevent LGE from  
15 arguing in opposition to that motion that evidence of other lawsuits and settlements should be  
16 admitted, or in opposition to such a jury instruction. *See* ECF No. 3676-4 at 28-35.

17           3. LGE will withdraw as moot its Request for Leave to File a Motion to Exclude Any  
18 Argument by Plaintiffs that They Are the Only Entities Trying to Hold LGE Liable for Its  
19 Involvement in the Alleged Conspiracy and to Admit Evidence of Other Lawsuits and Settlements,  
20 ECF No. 4562.

21           4. This stipulation shall not be introduced into evidence during the jury trial or read to the  
22 jury during trial, and it shall not be relied on to support an entitlement to any relief not expressly  
23 contemplated by the terms of this stipulation.

1 Dated: April 28, 2016

Respectfully submitted,

3 *MUNGER, TOLLES & OLSON LLP*

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19 *Attorneys for Plaintiffs Sears, Roebuck and Co. and*  
20 *Kmart Corp.*

21 Pursuant to Local Rule 5-1(i), the filer attests that the concurrence in the filing of this  
22 document has been obtained from each of the above signatories.

1 It is so stipulated and agreed to by the parties.  
2  
3 PURSUANT TO STIPULATION, IT IS SO ORDERED.

4 Dated: 5/2/16

  
Hon. Jon S. Tigar  
United States District Judge

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